



CIVIL SERVICE COMMISSION

Fiscal Year 2010, Citizen-Centric Report

HISTORY

The creation of the Guam Civil Service Commission (CSC) was first contemplated in the Organic Act of Guam under §1422c, which states,

“The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system. The Government of Guam may by law establish a Civil Service Commission to administer the merit system. Members of the Commission may be removed as provided by the laws of Guam.” [cited in part]

However, it was not until August 7, 1967, with the passage of Public Law (PL) 9-86 that the CSC was actually created. The creation was prompted by a letter from then Governor Manuel F.L. Guerrero, which was submitted to the Ninth Guam Legislature to establish a CSC, separate from any operating department of the government in order to afford balance between the needs of the institution and rights of the employee. As stated above, the purpose of the Commission is to “administer the Merit System” throughout the Government of Guam.

TYPES OF APPEALS

There are many types of appeals and complaints filed at the CSC by employees, namely: Adverse Action Appeals, Grievance Appeals, Furlough Appeals, Lay-off Appeals, Post-Audit Investigation Complaints, Whistleblower Complaints, Mini-Hatch Complaints, and Equal Employment Opportunity (EEO) Complaints.

CIVIL SERVICE COMMISSION

The CSC is comprised of seven members, also known as, Commissioners. They are appointed pursuant to Title 4 of the Guam Code Annotated § 4401(a).

DIFFERENCES BETWEEN CSC AND THE GUAM DEPARTMENT OF LABOR

The CSC caters to Government of Guam classified employees only, while the Guam Department of Labor is mainly for the private sector.

CSC VERSUS SUPERIOR COURT

If either the employee or management is not satisfied with a decision rendered by the CSC, they both have the ability to appeal their case to the Superior Court of Guam. This process is often referred to as “exhausting one’s administrative remedies.”

CSC MISSION

The Civil Service Commission shall administer an appeals system for the Government of Guam classified employee adverse actions, grievances, lay-offs and other appeals authorized by laws and rules. The CSC will enforce personnel action reviews, political activity laws (Mini-Hatch Act), investigate Whistle-Blower complaints, and administer laws and regulations regarding ethics in public contracting and other areas as authorized by law.

WHERE DOES CSC GET ITS FUNDING

CSC is 100% funded by the “General Fund” of the Government of Guam.

MEDIATE VERSUS ADJUDICATE

A very common misconception by the people that Civil Service Commission acts as a mediator between employees and the Government. This is very untrue. A mediator tries and helps to resolve conflicts between two or more people by suggesting solutions. Civil Service Commission adjudicates appeals of personnel issues of Government employees. What this means, is that CSC first asks the parties if they have come to a resolution, or reached a settlement, in which case CSC dismisses the appeal. If the parties haven't reached a solution, the Commission sets it up for a hearing. Thereafter, based on facts presented before the Board of Commissioners by both management/department and employee, and the applicable rules and regulations as guidelines, the Board ensures that applicable statutes, rules, and procedures were followed properly and abided by the parties.

STATISTICS

APPEALS PER YEAR

2008	
ADVERSE ACTION APPEAL	45
GRIEVANCE APPEAL	14
POST AUDIT	2
SPECIAL PROJECTS	1
Sum	62
2009	
ADVERSE ACTION APPEAL	52
GRIEVANCE APPEAL	17
WHISTLEBLOWER	1
Sum	70
2010	
ADVERSE ACTION APPEAL	19
EEO COMPLAINT	4
FURLOUGH	1
GRIEVANCE APPEAL	29
POST AUDIT	2
WHISTLEBLOWER	3
Sum	58

PERSONNEL ACTIONS PER YEAR

2008	5,671
2009	12,269
2010	12,316

DOCUMENTS RECEIVED FOR REVIEW, PROCESSING AND DISTRIBUTION

2008	1,015
2009	1,531
2010	1,548

NUMBER OF APPEALED CASES BEFORE THE LOCAL AND FEDERAL COURT SYSTEM

2008	3
2009	8
2010	3

NUMBER OF MEETINGS PER YEAR

2008

1	Deliberation
1	Discovery Order
3	Evidentiary Hearing
4	Grievance Hearing
1	Guidance And Decision
29	Hearing On The Merits
52	Motion Hearing
17	Pre-Hearing Conference
23	Signing: Decision & Judgment
4	Signing: Decision & Order
16	Signing: Judgment Of Dismissal
196	Status Call Conference
347	Grand Total

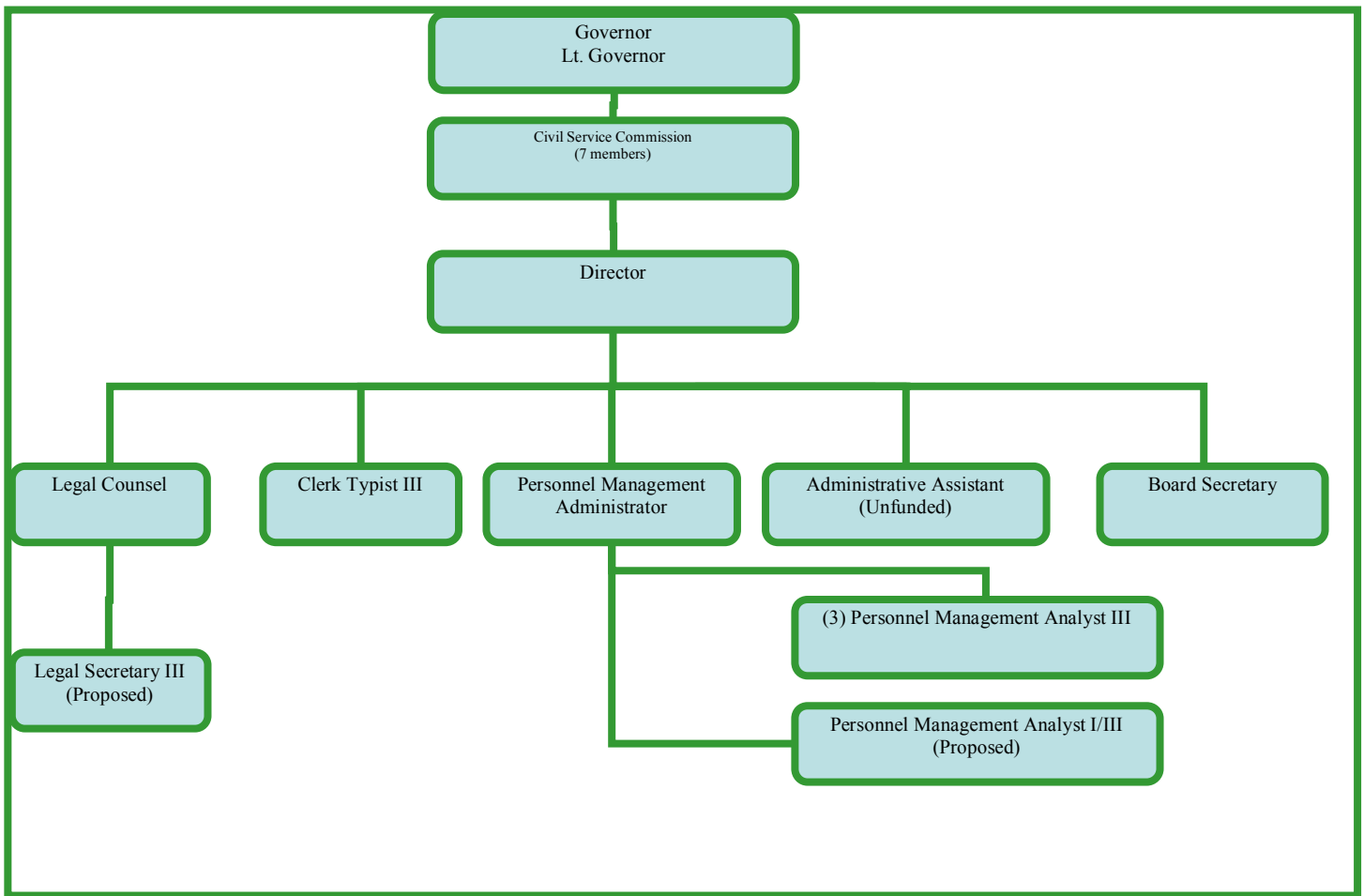
2009

1	Creation Hearing
1	Deliberation
1	Discovery Hearing
30	First Status Call Conference
9	Grievance Hearing
1	Hearing On Jurisdiction
99	Hearing On The Merits
63	Motion Hearing
1	Post Audit Hearing
35	Pre-Hearing Conference
23	Signing: Decision & Judgment
17	Signing: Decision & Order
49	Signing: Judgment Of Dismissal
322	Status Call Conference
652	Grand Total

2010

1	Evidentiary Hearing
50	First Status Call Conference
43	Grievance Hearing
90	Hearing On The Merits
87	Motion Hearing
36	Pre-Hearing Conference
3	Signing: Decision
40	Signing: Decision & Judgment
2	Signing: Decision & Judgment (Supplemental)
15	Signing: Decision & Order
38	Signing: Judgment Of Dismissal
440	Status Call Conference
1	Whistleblower Hearing
1	Work Session
847	Grand Total

ORGANIZATION



BOARD OF COMMISSIONERS

Luis R. Baza, Chairman
Manuel R. Pinauin, Vice Chairman
Priscilla Tuncap, Commissioner
Lourdes Hongyee, Commissioner
John Smith, Commissioner
Dan Leon Guerrero, Commissioner
Edith Pangelinan, Commissioner

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